

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00351

Jose Gonzalez,
Plaintiff,

v.

Bobby Lumpkin et al.,
Defendants.

ORDER

Plaintiff Jose Gonzalez sued on August 24, 2021. Doc. 1. On December 15, 2022, defendant Bobby Lumpkin filed a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c), asserting his affirmative defense of qualified immunity. Doc. 62. The case was referred to United States Magistrate Judge John D. Love, who issued a report and recommendation recommending that defendant's motion (Doc. 62) be granted on qualified-immunity grounds and that plaintiff's claims against defendant Bobby Lumpkin be dismissed with prejudice. Doc. 70. No objections to the report and recommendation have been filed and the timeframe for doing so has passed.

The court therefore reviews the magistrate judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Accordingly, the report and recommendation (Doc. 70) is accepted. Defendant's motion for judgment on the pleadings (Doc. 62) is granted as defendant Bobby Lumpkin is entitled to qualified immunity. Plaintiff's claims against defendant

Bobby Lumpkin are dismissed with prejudice. The clerk of court is directed to terminate defendant Bobby Lumpkin from this case.

So ordered by the court on January 25, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge